

REMARKS

Reconsideration of the application is requested.

Claims 1-10 remain in the application. Claims 1-10 are subject to examination.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 1-10 have been rejected as being obvious over U.S. Publication No. 2003/0133565 to Chang et al. in view of U.S. Publication No. 2002/0016161 to Dellien et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

The Examiner has recognized that Chang teaches error cancellation on the uncompressed data, whereas Dellien teaches compression of speech. Applicants believe that there would have been no suggestion to combine the teachings as the Examiner has alleged.

The motivation of Dellien is to improve the throughput data rate. In the invention disclosed in the application, the speech is already transcoded so an increase in data throughput cannot be achieved. Applicants' motivation is to reduce the delay and to improve the speech quality, which is somehow contrary to data throughput.

Applicants increase the speech quality via echo cancellation with as little delay as possible in situations where only transcoded speech is available.

The usual way to cancel echo is directly after the microphone and before the voice is encoded. This is exactly how it is described by Chang in Fig. 1. At this point, echo cancellation can be done directly on the uncoded data. No analysis of data is necessary at this stage to cancel the echo - only a filter is required (See Fig. 1 of Chang). In contrast to Chang, the invention disclosed in the application requires an analysis of the transcoded data in the uplink and the downlink in order to modify the uplink data.

However, there are mobile devices, which do not perform echo cancellation at the microphone, but encode the speech together with the echo and transmit it to the network. In this case, performing the prior art echo cancellation that is taught by Chang is not possible. On one hand, speech would have to be decoded again to perform the echo cancellation that is taught by Chang. On the other hand, Chang requires delay parameters (See paragraph [0005] of Chang) as well as a special signal from the microphone (See paragraph [0013] of Chang) in another frequency band - both of which are not available in the network. Decoding of speech would introduce significant delay in the data.

In Fig. 1, Chang already teaches that after echo cancellation, the speech is encoded as described by Dellien. Therefore, Dellien does not provide any further details that would have guided one of ordinary skill in the art towards the invention as defined by claims 1 or 10. Applicants also believe that since the

motivations of Chang and Dellien are completely different, one of ordinary skill in the art would not have combined the teachings.

Deriving the invention as defined by claim 1 or 10 from Chang is not straightforward and is believed to be not even possible since Chang would introduce excessive delay, whereas the aim of the claimed invention is to keep the delay to a minimum. Furthermore, the parameters necessary for Chang are not available for transcoded speech.

Therefore applicants believe that one of ordinary skill in the art would not have obtained the invention as defined by claims 1 or 10 from Chang in combination with any prior art that might possibly be cited. More specifically, applicants believe that one of ordinary skill in the art would not combine Chang and Dellier. Furthermore, applicants believe even if one of ordinary skill in the art did combine the teachings of Chang and Dellier, there would be no suggestion leading to the claimed invention because it is simply not possible to apply Chang in the network.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 10. Claims 1 and 10 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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MPW:cgm

August 21, 2009

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